

ZONING BOARD OF APPEALS

Issued: March 18, 2016
Approved: June 15, 2016

**TOWN OF WEST HARTFORD
ZONING BOARD OF APPEALS
WEDNESDAY, MARCH 16, 2016
MINUTES**

ROLL CALL: 7:00 PM

ATTENDANCE: Chair: Lisa Sadinsky; Vice-Chair: Josh Smilowitz, Commissioners, Tom Foley
Angelo DiMatteo; Todd Doyle and Brian Pudlik, ZEO and Secretary to ZBA
ABSENT: Commissioners: Jared Grise, Don Neville; Alternate: Michael Johnson

The Zoning Board of Appeals met in the Legislative Chamber, Room 314, 50 South Main Street, West Hartford, on Wednesday, March 16, 2016, at 7:00 p.m., to hear and act on the following petitions:

#02-16 **130 Ridgewood Road** – Petition of L & L Chaves for renewal of a Special Exception per Section 177-49 in order to maintain a customary home occupation (L & L Tax Services LLC) as an accessory to the residence for a period of five (5) years per plans on file. **R-10 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition; second by Commissioner Sadinsky. The Board made its decision to grant the petition with the following conditions:

1. **This permission is granted for a period of five (5) years. At that time you will be notified of the requirement to renew this permit. Failure to renew will render this approval void.**
2. **The hours of operation shall be:**
 Monday – Friday: 9:00 a.m. to 9:00 p.m.
 Sunday & Sunday: 9:00 a.m. to 5:00 p.m.
3. **Limited to 6 clients per day**
4. **No on-street parking in permitted**
5. **No more than two non-resident employees**
6. **The premises shall be maintained in a manner satisfactory to the Zoning Board of Appeals and the Zoning Enforcement Officer.**

VOTE: 5-0; Voting in favor were Commissioners: Foley, DiMatteo (seated for Grise), Doyle (seated for Neville), Sadinsky and Smilowitz.

Opposed- 0

Petition unanimously approved.



TOWN OF WEST HARTFORD

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- #03-16** **737 Farmington Avenue** - Petition of D. Mack & R. Gilmartin, requesting the following two (2) variances to construct an approximately 152 s.f. deck in the rear of the existing non-conforming home per plans on file.
- a) Section 177-20 (E) Requesting a +/- 13' variance to the 30' rear yard setback
 - b) Section 177-20 (D) Obstructions in Yards. +/- 11' variance to the 35' building line on Arnoldale Road.
- RM-1 Zone; Single Family Home adhering to R-6 Standards**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition; second by Commissioner Doyle. In reaching its decision, the Board found the following conditions to exist:

1. **Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.**
2. **Variance request is minor and will not adversely impact neighboring properties.**
3. **The home is currently non-conforming with respect to both the building line setback on Arnoldale and the rear yard setback making it impossible to improve the entry into the rear of the home without a variance.**

VOTE: 5-0; Voting in favor were Commissioners: Foley, DiMatteo (seated for Grise), Doyle (seated for Neville), Sadinsky and Smilowitz.

Opposed- 0

Petition unanimously approved.

- 04-16** **32 Hatheway Drive** - Petition of C. & K. Hartmann, requesting a variance to Section 177-20(E). Requesting a +/-5' variance to the 35' rear yard setback for the construction of a new 293 s.f. deck of which a portion (22 s.f.) encroaches into the rear yard setback. The variance request also seeks to legalize an existing staircase (21 s.f.) which protrudes an additional 6' feet (approximately) into the rear yard from the deck approved by ZBA variance #41-81 per plans on file. **R-13 Zone**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition; second by Commissioner Doyle. In reaching its decision, the Board found the following conditions to exist:

1. **Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.**
2. **Variance request is minor and will not adversely impact neighboring properties.**
3. **This variance reduces the intrusion into the rear yard setback from the original deck that was built without permits.**

VOTE: 5-0; Voting in favor were Commissioners: Foley, DiMatteo (seated for Grise), Doyle (seated for Neville), Sadinsky and Smilowitz.

Opposed- 0

Petition unanimously approved.

#05-16 9 Stoner Drive - Petition of J. & D. Delgado, requesting a variance to Section 177-20 (D) Obstructions in Yards for the installation of a privacy fence with a maximum height of 7', +/- 20' forward of the 45' building line on Mountain Road per plans on file. **R-20 Zone**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition; second by Commissioner Doyle. Commissioner Sadinsky made a motion to amend the original motion such that the fence be limited to four (4) feet in height and that it be constructed out of natural materials such as wood or stone; second by Commissioner Smilowitz: Vote 4-1 to amend original motion. In reaching its decision on the original motion as amended, the Board found the following conditions to exist:

1. **Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.**
2. **Variance request as amended is minor and will not adversely impact neighboring properties.**
3. **Because the applicant's reason for the fence included sound reduction and the fact that the property is elevated from the road edge by several feet, the Board found that a four (4) foot solid fence would be the minimum variance necessary to accomplish the goal of the applicant.**

VOTE: 5-0; Voting in favor were Commissioners: Foley, DiMatteo (seated for Grise), Doyle (seated for Neville), Sadinsky and Smilowitz.

Opposed- 0

Petition unanimously approved.

#06-16 471 New Park Avenue – Petition of Cumberland Farms Inc. requesting renewal of location approval for a gasoline refueling station for a period of three (3) years per plans on file. **IG ZONE**

At the regular meeting of the Zoning Board of Appeals, the following action was taken:

Commissioner Foley made a motion to grant the petition; second by Commissioner Doyle. Commissioner Doyle made a motion to amend the original motion such that the approval request be reduced from 3 years to 18 months; second by Commissioner Foley: Vote 5-0 to amend original motion. In reaching its decision on the original motion as amended, the Board found the following conditions to exist:

1. This approval is granted for a period of (18) eighteen months.
2. The hours of operation shall be:
7 Days per Week 5:00a.m. – 2:00a.m.

3. The premises shall be maintained in a manner satisfactory to the Zoning Board of Appeals and the Zoning Enforcement Officer.
4. The premises shall be maintained in conformance with Site Plan #1268 approved February 8, 2015.

VOTE: 5-0; Voting in favor were Commissioners: Foley, DiMatteo (seated for Grise), Doyle (seated for Neville), Sadinsky and Smilowitz.

Opposed- 0

Petition unanimously approved

- Minutes of the regular meeting held Wednesday, January 20, 2016. Motion to approve. (Motion/DiMatteo; Second/Smilowitz) unanimously approved 5-0
- Adjournment. Motion to adjourn. (Motion/Foley; Second/DiMatteo) unanimously approved 5-0. 7:50pm.